REMARKS

This is a full and timely response to the non-final Official Action mailed December 10, 2007. Reconsideration of the application in light the following remarks is respectfully requested.

Claim Status:

By the present paper, various claims have been amended. Claims 18 and 44-49 are cancelled without prejudice or disclaimer. New claims 50-58 have been added present paper. Thus, claims 1-17, 19-43 and 50-58 are currently pending for further action.

Allowable Subject Matter:

In the recent Office Action, the Examiner has indicated the presence of allowable subject matter in claim 7. (Action, p. 13). Applicant wishes to thank the Examiner for this finding of allowable subject matter.

Accordingly, claim 7 has been amended herein and rewritten as an independent claim. Additionally, new claims 50-58 have been added which depend from claim 7. Consequently, following entry of this amendment, claims 7 and 50-58 should be in condition for immediate allowance based on the Examiner's indication of allowable subject matter.

Previous Action:

All the grounds of rejection in the previous Office Action of June 21, 2007 have been withdrawn.

Prior Art:

Claims 1, 4, 9-13, 20-24, 29-33, 44 and 49 were rejected under 35 U.S.C. § 103(a) over U.S. Patent App. Pub. No. 2004/000096200 to Chen et al. ("Chen") in combination with U.S. Patent App. Pub. No. 2003/0012402 to Ono ("Ono"). This rejection is entirely without merit and is respectfully traversed for at least the following reasons.

Claim 1 recites:

> A method of transitioning between two high resolution images in a slideshow, said method comprising:
> displaying a first image as part of said slideshow;
> replacing said display of said first image with a display of a lower resolution copy of said first image; and
> continuing said slideshow by fading out said display of said lower resolution copy of said first image to reveal a display of a second image.

According to the Office Action, Chen teaches the claimed "method of transitioning between two high resolution images in a slideshow." (Action, p. 3). Ono is cited merely to demonstrate that "scaling" can include changing resolution. (Action, p. 4).

Specifically, the Office Action alleges that Chen teaches the claimed "replacing said display of said first image with a display of a lower resolution copy of said first image." As support for this position, the Action cited Chen at paragraph 0050. (Action, p. 3). This portion of Chen states the following.

> After choosing the audio files to be used in the sound track, in step 2 users choose one or more transitions to be incorporated in the video, again using the input module 40 and display module 50. Because raw data are still image files, to generate motion effects requires that two adjacent images be combined or merged in a digital manner. Typical transitions includes fade-in, fade-out, overlap, ***scale-down*** and push etc. For example, when a push-from-right transition is chosen to be dropped between a first image and a second image, the second image will appear visually to push the first image out of a display screen from the right of the screen. In the present embodiment, the transition selections include transition time for each transition type, and the time span for each still images.

(Chen, paragraph 0050) (emphasis added).

Consequently, the entire rejection of claim 1 in the Office Action is based on the fact that Chen mentions that a transition between two slides might be a "scale-down." ***However, Chen never explains what is meant by a "scale-down" transition between "two adjacent images."*** Moreover, Chen mentions "fade-in" and "fade-out" transitions separate from "scale-down."

Consequently, Chen does not teach or suggest the claimed method that includes "displaying a first image as part of said slideshow; replacing said display of said first image with a display of a lower resolution copy of said first image; and continuing said slideshow by fading out said display of said lower resolution copy of said first image to reveal a display of a second image." The Office Action is trying to read the entirety of the claimed subject matter into a single word used by Chen without any support in Chen for doing so.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Chen and Ono, clearly did not include the claimed method. Consequently, the cited prior art will not support a rejection of claim 1 and its dependent claims under 35 U.S.C. § 103 and *Graham*.

Independent claim 24 recites:

> A media viewer application stored on a medium for storing processor-readable instructions, said application comprising a slideshow function, wherein said slideshow function, when invoked, automatically displays a sequence of images stored on a selected storage medium to produce a slideshow;
>
> wherein said slideshow function is configured to display a first image as part of said slideshow, replace display of said first image with a display of a lower resolution copy of said first image and then fade out said lower resolution copy of said first image to reveal a display of a second image.

In contrast, as demonstrated above, Chen and Ono fail to teach or suggest a media viewer application with a slideshow function as claimed, "wherein said slideshow function is configured to display a first image as part of said slideshow, replace display of said first image with a display of a lower resolution copy of said first image and then fade out said lower resolution copy of said first image to reveal a display of a second image." This subject matter is outside the scope and content of the cited prior art.

As indicated above, under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Chen and Ono, clearly did not include the claimed media viewer application. Consequently, the cited prior art will not support a rejection of claim 24 and its dependent claims under 35 U.S.C. § 103 and *Graham*.

Independent claim 33 recites:

> A system for displaying images stored on a storage medium, said system comprising:
>
> a video monitor;
>
> a device for reading a data storage medium and outputting a signal to said video monitor; and
>
> a media viewer application operational with said device for reading said data storage medium, wherein said media viewer application further comprises a slideshow function that, when invoked, automatically displays images stored on said data storage medium to produce a slideshow;
>
> wherein said slideshow function is configured to display a first image as part of a slideshow, replace display of said first image with a display of a lower resolution copy of said first image and then fade out said display of said lower resolution copy of said first image to reveal display of a second image.

In contrast, as demonstrated above, Chen and Ono fail to teach or suggest a media viewer application with a slideshow function as claimed, "wherein said slideshow function is configured to display a first image as part of said slideshow, replace display of said first image with a display of a lower resolution copy of said first image and then fade out said lower resolution copy of said first image to reveal a display of a second image." This subject matter is outside the scope and content of the cited prior art.

As indicated above, under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Chen and Ono, clearly did not include the claimed media viewer application. Consequently, the cited prior art will not support a rejection of claim 24 and its dependent claims under 35 U.S.C. § 103 and *Graham*.

Claims 2, 3, 5, 6, 8, 15-19, 25-28, 34-43 and 45-48 were rejected under 35 U.S.C. § 103(a) over the combined teachings of Chen, Ono and U.S. Patent No. 5,371,519 to Fisher ("Fisher"). For at least the following reasons, this rejection should be reconsidered and withdrawn.

With respect to those claims that depend from the independent claims addressed above, this rejection is respectfully traversed for at least the same reasons given above in favor of the patentability of those independent claims.

With respect to independent claim 15 and its dependent claims, claim 15 has been amended herein to include the subject matter of claim 7 which the Examiner indicated was allowable over the cited prior art in the recent Office Action, p. 14. Consequently, following

entry of this amendment, claim 15 and its dependent claims should be in clear condition for allowance based on the patentable subject matter from claim 7 identified by the Examiner.

Claim 14 was rejected under 35 U.S.C. § 103(a) over the combined teachings of Chen, Ono and U.S. Patent No. 6,396,500 to Qureshi et al. This rejection should be reconsidered and withdrawn for at least the same reasons given above in favor of the patentability of claim 1.

Additionally, claim 14 recites: "centering and resizing said first and second images to fit respective buffers prior to said replacing said first image." In this regard, the final Office Action concedes that Chen and Ono fail to teach this subject matter and, consequently, cites to Qureshi as teaching "scaling an image to fit the display window of a browser." (Action, p. 12). Applicant respectfully submits that even if the prior art is combined as proposed in the Office Action, claim 14 does not recite scaling an image to fit in the display window of a browser. Rather, claim 14 recites centering and resizing images to fit in respective electronic buffers. This subject matter is entirely outside the scope and content of the cited prior art.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Chen, Ono and Qureshi, clearly did not include the claimed subject matter as demonstrated above. Consequently, the cited prior art will not support a rejection of claim 14 under 35 U.S.C. § 103 and *Graham*.

Conclusion:

In view of the following arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

If any fees are owed in connection with this paper that have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC.

Respectfully submitted,

DATE: March 10, 2008

Steven L. Nichols
Registration No. 40,326

Steven L. Nichols, Esq.
Managing Partner, Utah Office
Rader Fishman & Grauer PLLC
River Park Corporate Center One
10653 S. River Front Parkway, Suite 150
South Jordan, Utah 84095
(801) 572-8066
(801) 572-7666 (fax)

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office facsimile number (571) 273-8300 on March 10, 2008. Number of Pages: 22

Rebecca R. Schow